

CRIM. DOCKET # 03-10367-MEL

UNITED STATES OF AMERICA

VS.

JAMES T. RICHARDS

MOTION FOR RETURN OF
CONFISCATED ITEMS, OR
COPIES THEREOF

Now comes the defendant and hereby requests that this Honorable Court order that the U.S. Justice Dept., the FBI, the Dept. of Homeland Security, the Secret Service and the Plymouth County Correctional Center return to defendant documents (or copies thereof) which were confiscated from defendant on December 23, 2003 or thereabouts, and sixteen U.S. postage stamps, and twelve regular-size envelopes which were also confiscated from defendant.

As reason therefor, defendant states that most of the material confiscated had nothing whatsoever to do with any ongoing investigation against defendant; that included in the items confiscated were confidential documents sent between defendant and his attorney, Miriam Conrad, and copies or drafts of documents sent to Attorney Conrad, or which were intended to be sent to her, and also included in the confiscated items were drafts of lawsuits against Plymouth County Sheriff McDonough, Norfolk County Sheriff Bellotti, Lucille Leonard of North Andover and others; and that also included in the confiscated material

was a large amount of material, personal letters or drafts thereof, documents relating to defendant's open case in The Essex Probate and Family Court, personal financial documents, and many other documents which had nothing whatsoever to do with any ongoing criminal investigation against defendant. Defendant's grievance of the confiscation was denied by P.C.C.C.

The government shouldn't be confiscating confidential communications between defendant and his attorney; it shouldn't be confiscating documents by which defendant seeks to protect his person while in prison or assert his rights or seek redress for grievances and which have no connection to any ongoing investigation against defendant; it shouldn't be confiscating documents which interfere with defendant's ability to properly prepare his defense; it shouldn't be allowed to confiscate stamps and envelopes so that defendant couldn't communicate with his attorney or others who might help him prepare his defense; and even those documents to which it may have a right it should make copies of for defendant so that he might use said documents in preparing his defense, or preparing his objection to the confiscation, and it should not be left up to the

government to determine which documents are relevant in this regard, so that copies (or originals) of all documents confiscated should be returned to the defendant.

Defendant ~~hereby~~ hereby incorporates his accompanying March 11, 2004 affidavit in support of this motion.

Date: April 5, 2004

Respectfully submitted,
James T. Richards, pro se
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